THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10497 of 1998

Dated: 30-08-2006

Between:

Thouta Rukkavva.

..... PETITIONER

AND

The District Collector, Karimnagar, and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.10497 of 1998

ORDER:

The petitioner is aggrieved by the decision dated 26-03-1998 taken by the Karimnagar District Committee constituted under G.O.Ms.No.508, Revenue (Assignment I) Department, dated 20-10-1995 under the Chairmanship of first respondent, whereby and whereunder the request of the petitioner for regularization of her occupation in respect of plot No.705 in survey No.703 of Baddamyellareddynagar, Sircilla Mandal, Karimnagar District, was rejected.

The brief facts of the matter would reveal that the petitioner was allegedly in possession of land admeasuring 191 sq. yards in plot No.705 comprised in survey No.703 bearing house No.12-51-39/17 situated at Baddamyellareddynagar, Sircilla Mandal, Karimnagar District. She purchased the same from the original assignee of the land. It appears that the action was initiated against the petitioner's vendor for violation of conditions of assignment and by order dated 14-03-1997, the Revenue Divisional Officer(RDO), Sircilla Mandal, cancelled the assignment granted in favour of the vendor of the petitioner. Therefore, the petitioner submitted representations seeking regularization of said plot in her favour. When the same was not considered, she filed a writ petition, being W.P.No.14255 of 1997 and the same disposed of by this Court on

07-07-1997 directing the respondents to consider her case along with the applications made by the third parties in the light of the guidelines contained in G.O.Ms.No.508, Revenue (Assignment I) Department, dated 20-10-1995. Thereafter the matter was placed before the District Committee. On 26-03-1998, the Committee considered the matter and rejected the case of the petitioner on the ground that plot No.704 in survey No.703 was already regularized in favour of Kanakayya, husband of the petitioner and therefore, no further house plot can be allotted to her.

The learned counsel for the petitioner vehemently contends that the Committee under the Chairmanship of first respondent is empowered to consider the applications of encroachers for regularization and pass necessary orders strictly in accordance with the guidelines issued in G.O.Ms.No.508, Revenue (Assignment I) Department, dated 20-10-1995. According to the learned counsel, mere occupation of the person of a regularized plot is not a bar to consider his/her case for regularization of another plot after collecting market value. This contention is refuted by the learned Assistant Government

Pleader for Revenue (Assignment) placing reliance on the guidelines issued in G.O.Ms.No.508, Revenue (Assignment I) Department, dated 20-10-1995.

A perusal of the impugned decision of the Committee would show that husband of the petitioner, Kanakayya, was allotted plot No.704 wherein he constructed a pucca house. Plot No.705 was assigned to Bheemanathini Laxmaiah, who sold the same to the petitioner herein. As such sale is in violation of conditions of assignment, RDO by proceedings dated 14-03-1997 cancelled the assignment in respect of plot No.705 granted in favour of the vendor of the petitioner and possession of the land was taken into Government custody without demolishing the temporary shed constructed therein. At that stage, the petitioner filed W.P.No.14255 of 1997 which was disposed of by this Court on 07-07-1997 directing the respondents to consider the case of the petitioner as per G.O.Ms.No.508, Revenue (Assignment I) Department, dated 20-10-1995. The Committee rejected the request of the petitioner for allotment/regularization of plot No.705 which was originally assigned to Bheemanathini Laxmaiah on the ground that her husband has already availed the benefit of allotment of house sites to the weaker sections in respect of plot No.704 and that no further plot can be allotted to her. Therefore, the question is whether the decision is in accordance with the guidelines issued in G.O.Ms.No.508, Revenue (Assignment I) Department, dated 20-10-1995.

The Government issued G.O.Ms.No.508, Revenue (Assignment I) Department, dated 20-10-1995, with a view to regularize encroachments by way of dwelling houses on Government lands in relation to the encroachment prior to 31-03-1990. Such regularization is subject to *inter alia* the conditions specified therein. Condition (iv) reads as under.

> The regularization will be strictly limited to cases, where the encroachment is unobjectionable. Where the land under encroachment is found more suitable for any public purpose, the Govt. reserves the right to earmark the land for such public purpose as deemed fit and the encroacher shall be evicted.

A reading of the G.O. would show that when such an application is made, power is vested in the Committee to scrutinize and consider all cases for regularization taking into consideration the period from which encroachment is in existence, the purpose of encroachment and the claim of the encroacher over the land vis-à-vis the Government or any other individual. In this case as noticed by this Court, the petitioner purchased the land from the original assignee in 1997 which was cancelled on
14-03-1997. Therefore, it is doubtful whether said G.O. is applicable or not. Secondly as observed by the Committee, husband of the petitioner was already allotted plot No.704 and nowhere there is condition in the

G.O. that same person can be allotted plot twice or land can be regularized in favour of two members of same family, that is why discretion is given under para 9 of the G.O. to the Committee to take into consideration all these aspects. In that view of the matter, it must be held that the Committee has considered the issue in right perspective and rejected the claim of the petitioner.

The writ petition is devoid of any merit and the same is accordingly dismissed. No costs.

V.V.S.RAO, J

30th August, 2006
ghn